

## Burlington Planning Commission

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*Yves Bradley, Chair  
Bruce Baker, Vice-Chair  
Lee Buffinton  
Emily Lee  
Andy Montroll  
Harris Roen  
Jennifer Wallace-Brodeur  
vacant, Youth Member*



## Burlington Planning Commission Minutes

Regular Meeting

**Tuesday, June 14, 2016 - 6:30-9:00 P.M.**

Burlington Police Dept, Community Room, One North Avenue

Present: B Baker, L Buffinton, E Lee, A Montroll, H Roen, J Wallace-Brodeur

Absent: Y Bradley

Staff: D White, M Tuttle, E Tillotson

### **I. Agenda**

No changes.

### **II. Report of the Chair**

B Baker acting Chair.

### **III. Report of the Director**

Deferred in the interest of time.

### **IV. Proposed CDO Amendment – DT/RH Zone Transition Line at George Street**

John Alden: Presents a proposal to modify the zoning boundary line between Downtown Transition and Residential High Density at corner of Peal and George Streets. Showed a massing and buildout study (3 versions) of existing buildings, merged lots under existing residential zoning, and the proposed rezoning.

L Buffinton: There are two historic structures adjacent, could they be demolished?

J Alden: The district may be historic but perhaps the specific buildings are not.

D White: Explains possible reasons for demolition and that the decision is up to the DRB.

E Lee: Would the DRB consider demolition by neglect?

D White: The zoning question is if the buildings were to be removed, which scenario would be best for the site. Under proposal, move boundary, examples show fairly large buffers between nearby uses.

J Alden: The proposed development is not out of scale with the Pearl Street corridor. With bus station development across the street, seems appropriate. Opportunity to do some great housing, improved with flexibility of coverage and height. There is a plea from housing authorities to create more units.

E Lee: How would FBC affect this property?

D White: Assuming FBC is adopted, properties would be subject to that review; however, some of these properties are currently in RH zone so unless the boundary changes, it would not apply to those.

E Lee: It doesn't seem that green space is actually required. What is the proposed lot coverage?

J Alden: This is proposed with parking underground and would retain two areas of green space.

D White: Presently there is a required 15 foot buffer between zones. This is not necessarily an actual proposal.

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L Buffinton: Is not seeing consideration of neighbors to north affected by shading. Four and five stories is too big, it dominates everything around it. Suggests a hybrid approach.

J Alden: He is not saying the buildout will be this large, this is just an illustration of possible massing.

J Wallace-Brodeur: It seems as if it would be better to retain scale of the RH district.

E Lee: Doesn't support this.

The Commission approved a motion by E Lee, seconded by L Buffinton, not to entertain the proposed change, and to retain the present zoning for these sites. Commissioners Buffinton, Lee, Montroll, Roen and Wallace-Brodeur voted in favor, Commissioner Baker opposed.

## **V. Proposed CDO Amendment – Article 10: Administrative Authority & Public Standards**

D White: The purpose of this amendment is to establish administrative authority which affects subdivided land, often not actual development. Five lots or less are considered a minor subdivision. Also includes a reference to the standards of the city engineer for new infrastructure.

B Baker: Vestigial alleys in the city are a good example.

D White: If a property line is moved now, the permit application has to go to the DRB.

A Montroll: Could staff approve a subdivision of a property into four lots?

D White: If it is just a creation of lots with no development proposed.

E Lee: Couldn't this type of application just be on the DRB's consent agenda?

D White: It's about timing and complexity; for something so minor, it takes a long time.

L Buffinton: Perhaps we could scale back slightly to three or more lots, it seems as if we are raising the bar for staff approval.

D White: We can already do a lot line adjustment, but this proposal addresses when a new lot is created.

A Montroll: Not sure if comfortable with subdivision of lots being administrative. Subdivisions seem more significant, process should be more intensive.

J Wallace-Brodeur: Uncomfortable with staff approval if this would be creating developable lots. Would be helpful to have examples.

H Roen: We might want to consider monumentation, we might want to have some flexibility with this issue.

D White: Suggests advancing the portions of the amendment tied to subdivision and infrastructure standards and monumentation. Admin approval for subdivisions can be reconsidered.

The Commission unanimously approved a motion by J Wallace-Brodeur, seconded by L Buffinton, to warn an amendment for public hearing to include the changes to subdivision and infrastructure standards and monumentation.

## **VI. Public Forum: 7:15 pm**

L Martin: Want more explanation on how the city benefits from the use of TIF for public streets and streetscape enhancements. Seems that it benefits the development.

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K Devine: Appreciative of the Commission for their efforts. BTC Mall site needs new life. There will be several steps when the project returns to City Council, but it can't move forward without the PC sending it on. Please move this ahead.

E Morrow: Request the PC to make a formal motion and recommendation to Council that the zoning amendment not be adopted until a physical model is in place.

J Carton: Represents the owners of Hotel VT. 100% behind development on mall site, but not of the rezoning of the Lakeview garage, which creates an economic concern for the hotel.

K Backus: Against height of building. This zoning change would lead to more upward pressure on downtown development. Where will they put all of the traffic? There is not a good mix of people in the building, maintenance would be a problem. Eventually the less wealthy will be pushed out of the city's center.

A Hannaford: Supports redevelopment of mall, does not support a change to building height.

A Lavin: Fourteen stories is beyond anything this City has done. It will not happen.

L Terhune: Understands there is a push, developers want certainty, but residents deserve loyalty by upholding zoning. In the past DRB backed our community and was able to say no to an inappropriate plan. Don't change zoning so dramatically, the community has spent years forming the CDO. Just vote against this proposal.

Resident: Against the proposed height.

C Baker: Supports density downtown. Analysis points to the most important thing to sustain, is to increase density in the central city. There is a need for housing, it is a regional issue and this is the place to do it.

Resident: Supports good planning, but the proposed is a ridiculously high building. She is acquainted with several architects, all of whom have said the project is not well-designed. There is a need for something visual, doesn't understand why a model cannot be built in time.

B Headrick: In conversation with architects, set back at higher levels is important. If three towers are erected in three areas, it will create a solid cement presence. Residences on the hill will be looking into cement towers. The City Council looked at higher height limits in 2009 and refused to approve it.

M Manghis: The mall needs help, but it is important to speak to the town's personality. She has had a similar experience in a different state. The developers ran out of money and now there is an ocean front building going to ruin. The municipality is now admitting that the project is too big. We are jeopardizing the next generation who will be stuck with the bill.

M Bushey: Strongly supports the downtown overlay district and reconnecting the street grid. There is an opportunity to do that now. As the Chair of DAB, look at scale and mass, bring projects into compliance. There is sketch plan review today and there will be two more reviews. The DAB will work with the applicant to improve articulation of the façade. Frustrated by misleading information being distributed. Feeding on negative connotations, giving false impressions to public. Asks PC to approve and let project move forward.

G Grill: Asks PC if they believe they are charged with representing the view of the citizens. The overlay is not just raising height, it's what is received in exchange for height. The Commission Chair is a developer and has suggested that we stop asking things of developers. The Mayor is trying to do away with affordable housing. Very uncomfortable that a physical model is not available.

M Long: During sketch plan, the Boards work with an applicant to comply with the ordinance. This project works to bring the ordinance in compliance with developer's wishes. The Zoning ordinance is supposed to shape the development. It is necessary to have a broad discussion. He agrees with many things in planBTV.

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M Wallace: Urges the Commission to listen to the community. It is always a temptation to think that we know what the community needs. We need to slow down the process and listen to the community. Growth, rapid and uncontrolled is cancer. We do not want this process to be a betrayal of a contract with the community.

J Dagget: Zoning regulations exist for a reason and should be maintained.

A Petracca: Now is not the time for this establishment politics or economics. This process is rigged to benefit the 1%.

C Messing: Don't ask a barber if you need a haircut. Skyscrapers in NYC which were supposed to provide housing have had no effect on housing. If the Commission is sincere about public input, microphones and sound system should be provided at these meetings.

A Radcliffe: It is lip service to call this project a housing solution. Don't fall into the too big to fail mindset; consider a smaller scale and don't give up on a model.

C Bates: planBTV says eight story buildings. One Burlington Square is 100 feet tall and about 100 feet wide. Consider if that were repeated three times in each direction and add 60 feet on top.

## **VII. Proposed CDO Amendment – Downtown Mixed Use Core Overlay**

D White: Model is in process. A physical model, covering about 46 acres, five by three blocks, with terrain, existing buildings and the proposed project. Will take about another month, but expected in time for Council to consider it.

E Lee: What is the time frame for the zoning amendment? Is it possible that it could come back to us after the model arrives?

D White: 120 days for zoning amendment is about September 12, if the Commission forwards the amendment to the City Council for the July 11 meeting. If City Council makes a substantive change, it must come back to the Planning Commission. This is opportunity for feedback. The Commission can participate and provide input to the City Council at their ordinance committee meetings.

L Buffinton: To understand true impact, we would need to see the maximum build out in a model. Should slow the process and get all of the visuals.

D White: The digital model M Tuttle created shows maximum build out.

J Wallace-Brodeur: We need to compare apples to apples in a model. Building to building, zoning to zoning. Are there any changes in the text of the amendment that was in this packet?

D White: Yes, to section regarding screening proposed parking and green buildings.

A Montroll: We are asked to take action to warn tonight for July 6<sup>th</sup>. Can the Commission provide a series of comments? Not ready to say yes or no.

D White: Yes.

E Lee: Physical model needs to show existing buildings with the maximum massing of this area because there are many buildings that may not build to the max. Don't want to live in a Burlington of the maximum build out. If Commission recommended not to pass the amendment, can the Council still move forward?

D White: Yes.

E Lee: There is inadequate time.

J Wallace-Brodeur: Most important issues are street level engagement, parking screening, building articulation. It would be helpful to identify in the draft where that language is. The Commission needs to weigh in on these to make it better.

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D White: When the proposal is warned, you can continue to discuss the proposal.

L Buffinton: There are way bigger issues, height, spot zoning, concern for precedent, height increase without benefits to the public. The proposed is a huge change to city policy, we need to look at the big picture. 160 feet is the single biggest hurdle.

D White: There is a multi-step test that the State Supreme Court has established to determine spot zoning. This proposal does not meet these requirements. It fits the kind of development in planBTV; it's not out of context.

B Baker: It is important to look at the tradeoffs and what we gain as a City.

D White: The current ordinance related to bonuses has not been effective. Since 2008, we have not seen many developments take advantage of them and provide buildings over 65 feet or housing. Zoning reconfigures what height looks like, what it does, and distributes it in a different way.

L Buffinton: Current zoning would require more setbacks.

M Tuttle: Setbacks are replaced by much more prescriptive standards for where the massing of a building could be.

A Montroll: It would be helpful to see something between the two examples. Height seems to be major concern. The Mall needs good redevelopment, but mindful that Burlington is not ready for buildings that high. We need a height more compatible with more peoples' visions.

J Wallace-Brodeur: As much as there is concern about the height, massing is a bigger concern, issues that are critical for us to weigh in on. Setbacks, engaging with the street, assurance that massing is appropriate.

H Roen: Comparisons under current and proposed zoning would be helpful.

L Buffinton: Should be thinking bigger picture. This could be a launching point to get into finer points of zoning. Look at alternatives. It will result in a better and stronger project.

J Wallace Brodeur: We have done a lot of thinking about how buildings interact with the street through FBC. Height is important, but design issues, massing, parking, street interaction are bigger.

A Montroll: FBC work on street level, interaction between building and street, worried we will lose a lot of that by pushing up so high.

E Lee: Our job is to make a recommendation about height. If we don't make a decision who will? The Commission should make a non-political decision about what is right for Burlington.

J Wallace-Brodeur: Height is not a separate issue—the massing and design points are related.

H Roen: Agree with redeveloping site with more density, but a little uncomfortable with the limited time we have to do this.

D White: After looking at regulations through FBC for last several years, not uncomfortable about height, don't think it is grossly out of scale. Comfortable with design standards in the proposed ordinance. Regulations will require more vertical articulation and attention to relationship to streetscape.

B Baker: Maybe we should focus on massing and design questions, and then decide of height is right.

J Wallace-Brodeur: We need to identify sections that are the most important to focus on. We should pass on signs, and spend time on urban design standards for street articulation, parking, building design. These should lead to a conclusion about height.

D White: Design standards require articulation, vertical orientation. Require a first floor of 14 feet. Parking garage designed in unity with the rest of the building.

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E Lee: We have spent a lot of time talking about improved parking requirements.

D White: What are specific things that the Commission wants to talk about?

L Buffinton: Next meeting we should go through the actual ordinance.

A Montroll: We have a whole series of issues with this, not sure with time allowed that we can come to resolution with this.

J Wallace-Brodeur: Maybe Commission should develop a memo identifying areas where language doesn't succeed, and list priorities and issues.

A Montroll: Dedicate the next meeting to identification of issues for City Council.

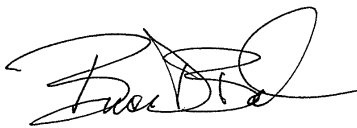
The Commission unanimously approved a motion by E Lee, seconded by A Montroll, to warn the proposed amendment for a public hearing.

B Dunkiel: For the Commission's next discussion, it seems that Sections 2, 3, & 4 represent 95% of what the project is about and seem to be the items of concern to the Commission.

L Buffinton: The proposal for the mall is at DAB for sketch plan review.

### **VIII. Adjourn**

The Commission unanimously approved a motion by L Buffinton, seconded by J Wallace-Brodeur, to adjourn at 9:14 pm.



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B Baker, Vice Chair

Signed: August 15, 2016



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E Tillotson, Recording Secretary